

Notice of Allowability

Application No.

10/532,273

Examiner

Yong Chu

Applicant(s)

BALASUBRAMANIAN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/16/2007.
2. ☒ The allowed claim(s) is/are 1-21,63,65,69,74-82,86-92,94 and 96-99.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>See Continuation Sheet</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 6/28/2005, and 12/21/2006.

DETAILED ACTION

Claims 66-68, and 70-73 are canceled by amendment filed on 2/16/2007.

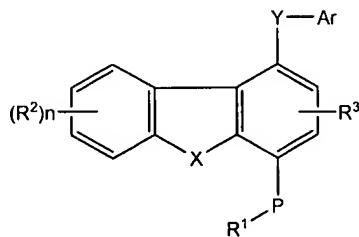
Claims 96-99 are new by the amendment. Therefore, claims 1-21, 63, 65, 69, 74-82, 86-92, 94, and 96-99 are currently pending in the instant application.

Response to Amendment

The Supplementary Amendment by Applicants' representative Jay P. Lessler dated on 2/16/2007 has been entered.

Reasons for Allowance

The present invention is directed to a dibenzofuran or dibenzothiophen

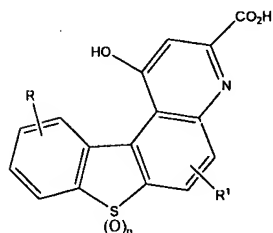


compound of formula (I)

wherein **P** is oxygen or sulfur; **n** is an

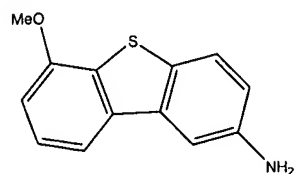
integer from 0-4; **X** is oxygen or S(O)_m, wherein **m** is 0, 1, or 2; and **Y** is -C(O)NR₄, useful for treatment of inflammatory or allergic disorders. The closest art of record is U.S. Patent No. 4,018,780 and co-pending U.S. Patent Application No. 10/532,273.

U.S. Patent No. 4,018,780 (Lappi *et al.*) discloses compounds with formula



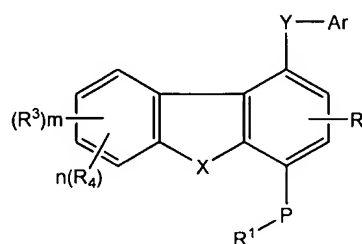
useful as allergy inhibitors and intermediates such as

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for making the compounds. The allergy inhibitory compounds are distinct from the instantly claimed compounds because they are different in the core structure as shown in formulae supra.

Co-pending U.S. Patent Application 10/821,642 (Balasubramanian *et al.*)



discloses a dibenzofuran or dibenzothiophene compound

wherein R_4 is $-NR^5 R^6$, not $-NH_2$. Even though the core structures of the co-pending application and instantly claimed compounds are same, the instantly claimed compounds having substituent R^2 as amino ($-NH_2$) group, or other non-amino groups are distinct as whole from said co-pending application with substituent R_4 as $-NR^5 R^6$, (not $-NH_2$) **only**.

Therefore, claims 1-21, 63, 65, 69, 74-82, 86-92, 94, and 96-99 are allowed.

Telephone Inquiry

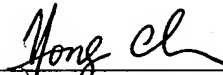
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yong Chu whose telephone number is 571-272-5759. The examiner can normally be reached on 7:00 am - 3:30 pm EST.

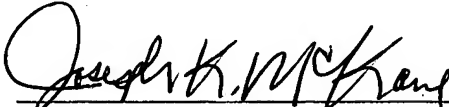
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on 571-272-0699. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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